IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 18329 of 2007(F)

PETITIONER:

RACHITH URMILESH KUMAR, AGED 16 YEARS,
'SREENIVAS', NANGIARKULANGARA (P.O), HARIPAD,
ALAPPUZHA DISTRICT, REPRESENTED BY HIS FATHER,
SRI.URMILESH KUMAR.

BY ADV. SRI.S.SHANAVAS KHAN
SMT.S.INDU

RESPONDENTS:

1. CENTRAL BOARD OF SECONDARY EDUCATION,
REP. BY DIRECTOR, NEW DELHI.

2. DIRECTOR,
CENTRAL BOARD OF SECONDARY EDUCATION,
REGIONAL OFFICE, PLOT NO.1630 A, 'J BLOCK',
15TH MAIN ROAD, ANNA NAGAR.

3. THE PRINCIPAL,
S.N. CENTRAL SCHOOL, CHIRAKKADAVOM,
KAYAMKULAM, ALAPPUZHA DISTRICT.

4. S.N. CENTRAL SCHOOL,
CHIRAKKADAVOM, KAYAMKULAM, REPRESENTED BY ITS
MANAGER.

BY ADV. SRI.JOHN BRITTO
SRI.C.A.RAJEEV
SRI.DEVAN RAMACHANDRAN
SMT.T.G.SEETHAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.18329 of 2007

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Dated this the 18th day of July, 2007

J U D G M E N T

The petitioner was a student of Class X of the 4th respondent's school. He passed Xth Std. with 65 per cent marks. He has approached this court with the grievance that he has not been given admission to Class XI in the same school on the ground that the petitioner has not obtained the prescribed cut of marks. Relying on the Supreme Court decision in *Principal, Cambridge School vs. Payal Gupta & ors*. reported in AIR 1996 SC 118, the petitioner submits that he is legally entitled to continue studying in the same school upto Class XII and therefore, on passing Class X he is entitled to automatic admission to Class XI.

2. The contention in the counter affidavit of the 4th respondent is that there are only 130 seats for Class XI and the same has been filled up on the basis of merit of students who

have applied for admission to Class XI and therefore, there is no more seat available for admission to the petitioner.

3. The learned Standing Counsel appearing for the 1st respondent has filed a statement along with which they have produced Annexure-A Guidelines formulated by the Central Board of Secondary Education in the matter of admission to students to Class XI. In the said guidelines it is specifically stated that admission to a student from Class X to Class XI in the same school, should not be treated as a fresh admission, but only as continuation of the original admission done in that school. These guidelines were dated 31.5.2007. Therefore the same is applicable to the admission for the current year. That being so, the 4th respondent cannot now take a stand that the 4th respondent cannot give admission to the petitioner to Class XI. Accordingly, I allow this writ petition and direct the 4th respondent to give admission to the petitioner to the Class XI immediately.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.